D.B. CIVIL SPECIAL APPEAL (W) NO.904/2007

State of Rajasthan
Vs.
Ramlal and Anr.

Date of Order :: 29-11-2007

HON'BLE THE ACTING CHIEF JUSTICE MR. RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. L.R. Upadhyaya, Dy. Govt. Advocate.
Mr. G.R. Punia, for the respondent.

Having heard learned counsel for the parties, we are of the opinion that this appeal must fail.

The proceedings in determining ceiling area and the case of the respondents was initiated in the first instance under Chapter-IIIB of the Rajasthan Tenancy Act. It was dropped by the order dated 22.5.1971 finding that the respondents do not have surplus land.

Thereafter, the ceiling proceedings under Section 15(2) of the Rajasthan Imposition of Ceiling of Agricultural Holdings Act, 1973 (for short 'the Act of 1973' hereinafter) by order dated 7.4.1981.

The proceedings for reopening were challenged inter alia on the ground that same was barred by limitation in terms of Section 15(2) of the Act of 1973 and the proceedings could not have been initiated beyond seven years from the date of final order or before 30th day of June, 1979 whichever is later.

The Board of Revenue upheld the contention and found in favour of the respondents on merit also.

The State Government has challenged the order passed by the Board of Revenue in SBCW No.1182/2003 in which the learned Single Judge has found the order passed by the Board on the issue of limitation in accordance with the provisions of Sec. 15(2) and also on merit the finding of fact recorded by the Court that the same is not liable to be interfered with.

There being no dispute about the date of final order sought to be reopened and the date of order made under Section 15(2), by taking into consideration the facts, the conclusion is irresistible that initiation of proceedings were barred by time and hence, wholly without jurisdiction.

In view thereof, no interference is called for in this appeal. The appeal fails and is hereby dismissed. No costs.

[BHANWAROO KHAN],J. [RAJESH BALIA],ACTG.CJ.

RM/